

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARI RAMZAN,

Plaintiff,

vs.

Case No. 03-CV-73550

R. RYDER, et al.,,

HON. AVERN COHN

Defendants.

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ORDER DENYING DEFENDANTS' MOTION TO TAX COSTS

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff Ari Ramzan sued several defendants claiming a violation of his constitutional rights. The matter was referred to a magistrate judge for all pre-trial proceedings and before whom defendants filed dispositive motions. The magistrate judge issued a report and recommendation (MJRR) recommending that plaintiff's claims be dismissed without prejudice for failure to exhaust his administrative remedies. The Court adopted the MJRR and dismissed the case. See Order filed June 17, 2005. Plaintiff then asked for, and was granted, an extension of time until July 22, 2005 to file objections. See Order filed July 5, 2005. Plaintiff did not file any objections by that date.

Before the Court is defendants' motion to tax costs, requesting that costs be taxed against plaintiff in the amount of \$41.60. Under both the Federal Rules of Civil Procedure and the Prison Litigation Reform Act, the taxing of costs is a matter within the Court's discretion. See Fed. R. Civ. P. 54(d)(1) and 28 U.S.C. § 1915(f)(1), (2). Moreover, a prisoner's ability to pay can no longer be considered in determining

whether to tax costs. See Talley-Bey, Jr. v. Knebl, 168 F.3d 884, 886 (6th Cir. 1999).

Here, the Court, in its discretion, finds that taxing costs is not warranted.

Accordingly, defendants' motion to tax costs is DENIED.

SO ORDERED.

Dated:8/1/05
Detroit, Michigan

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE